

chance apparatus comprises a slot machine.

76. (previously presented) The gaming device of claim 74 wherein the slot machine
comprises an electro-mechanical slot machine having generally cylindrical rotatable
5 reels.

77. (previously presented) The gamine device of claim 74 wherein the slot machine
comprises a video gaming device having a plurality of virtual reels shown on a video
screen.

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REMARKS

Claims 1-27 and 51-77 are pending. Claim 75 has been amended to depend on claim 63.

A petition for three-month extension of time and a request for continued examination is
15 submitted herewith.

A credit card payment form for eight hundred eighty-eight dollars (\$888.00) is also
provided. Applicant believes no additional fees are necessary at this time. However, in the
event fees are required, Applicant authorizes the Commissioner to take any necessary fees,
including those under 37 CFR 1.16 and 1.17, from deposit account 50-0913.

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Claim Objections

The Office objected to claim 75 as an apparatus claim depending on a method claim.
Claim 75 has been amended by this Amendment D to correct this typographical error. Claim 75
now depends on claim 63, an independent apparatus claim.

The Office has requested verification that claim 60 depends on claim 56 and not claim 59. The Applicant verifies that claim depends on claim 56, not claim 59.

Claim Rejections - 35 U.S.C. 102

5 The Office has rejected claims 1, 2, 13, 14, 16, 18-20, 51, 54, 62, 63, 65, 67, 69, and 75-77 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,612,575 to Cole et al. (hereinafter "Cole") or, in the alternative, under 35 U.S.C. 103(a) as being obvious over Cole et al. Applicant respectfully requests reconsideration in view of the following arguments and enclosed Declaration Under 37 C.F.R. 1.131.

10 Declaration under 37 CFR 1.131. Applicant has provided herewith a Declaration signed by the applicant proving conception of the invention disclosed and claimed in the instant patent application took place prior to the effective date of Cole. As a reference under 35 U.S.C. 102(e), the effective date of Cole is its filing date; September 1, 2000. The Applicant's declaration establishes that his invention was conceived prior to September 1, 2000 (see Exhibit A for
15 documentary evidence of conception).

Applicant also declares that prior to September 1, 2000 (the filing date of Cole) and ending June 6, 2001 (the filing date of the present application) he continuously and diligently performed or caused others to perform certain actions. These actions are evidence of facts showing diligence in the reduction to practice of the invention. The declaration is supported by
20 documentary evidence of the Applicant's diligence (see Exhibit B).

Applicant has antedated the effective date of Cole by the showing in the Declaration the conception of the present invention prior to the effective date of the reference patent coupled with diligence in the reduction to practice of the invention. Therefore, Cole is not prior art to the present application. Applicant respectfully requests withdrawal of the rejection.

Claim Rejection – 35 U.S.C. 103

The Office has rejected claims 3, 12, 22, 24, 27, 55, and 66 under 35 U.S.C. 103(a) as being unpatentable over Cole. The Office has also rejected claims 4-11, 21, 23, 52, 53, 56-61, 64, 71, and 72 under 35 U.S.C. 103(a) as being unpatentable over Cole in view of U.S. Patent No. 5,280,909 to Tracy. The Office also rejected claims 15 and 17 under 35 U.S.C. 103(a) as being unpatentable over Cole in view of U.S. Patent Number 5,911,626 to McCrae. The Office also rejected claim 68 under 35 U.S.C. 103(a) as being unpatentable over Cole in view of U.S. Patent Number 4,775,151 to Berry. Finally, the Office rejected claims 70, 73, and 74 under 35 U.S.C. 103(a) as being unpatentable over Cole in view of U.S. Patent Number 5,911,418 to Adams.

All of these rejections rely upon Cole as the primary reference. As discussed above, the Applicant has established that Cole is not prior art to the present application. Therefore, the applicant respectfully requests withdrawal of these rejections.

CONCLUSION

For all of the above reasons, the Applicant submits that the present application is in condition for allowance. If the Examiner has any questions regarding the application or this Amendment C, the Examiner is encouraged to call the Applicant's attorney, Ian F. Burns, at (775) 826-6160.

Respectfully submitted,



Ian F. Burns

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